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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/998,412

12/03/2001

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K-0345

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06/23/2009

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EXAMINER

NELSON, FREDA ANN

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

06/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/998,412	<b>Applicant(s)</b> CHOE ET AL.	
	<b>Examiner</b> FREDA A. NELSON	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10, 12, 68 and 72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 12, 68 and 72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The amendment received on March 31, 2009 is acknowledged and entered. Claims 10 and 68 have been amended. Claims 1-9, 11, 13-67, 69-70, and 73 have been canceled. No claims have been added. Claims 10, 12, 68 and 71-72 are currently pending.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 31, 2009 has been entered.

### ***Response to Amendment and Arguments***

Applicant's arguments filed March 31, 2009 have been fully considered but they are not persuasive.

1. In response to Applicant's argument that in regards to claim 10, Peterson and Chaturvedi do not teach or suggest determining whether or not there is the order for the tangible product purchase from one of the dealing companies, determining whether or not the ordered tangible product belongs to a previously established error list in the database server, if it is determined that there is the order for the tangible product

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purchase, temporarily suspending next operations and notifying the error to a user, if it is determined that the ordered tangible product belongs to the previously established error list, determining whether or not the error is cured, and confirming the order for the tangible product purchase, if the error is determined to be cured, the Examiner notes that firstly, claim 10 contains actions that are to be performed if a particular condition is present. However, the claim does not also state what action occurs if that particular condition is not present. This renders the claim to be indefinite. The conditional statement being referred to here is: "determining whether or not the ordered tangible product belongs to a previously established error list in the database server, if it is determined that there is the order for the tangible product purchase..."; "temporarily suspending next operations and notifying the error to a user, if it is determined that the ordered tangible product belongs to the previously established error list ..."; and "determining whether or not the error is cured, and confirming the order for the tangible product purchase, if the error is determined to be cured..."

Secondly, Sandell et al. discloses four types of exception report may be generated, including, a "damage" report 260, a "overage" report 262, a "shortage" report 264, and a "suspend" report 266 (col. 6, lines 7-14, FIG. 6A-1). Sandell et al. further discloses Supplier 152 determines whether the delivery will occur on time, step 332. If the delivery cannot occur on time (i.e. by the original delivery time), supplier 152 notifies respective store 158 to arrange for a new delivery date and supplier 152 notifies logistics intermediary 154 of the move, step 340. Logistics intermediary 154

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notifies delivery agent 212 and delivery agent 212 moves the order to the new date, step 342. If the good will make the shipment on time, supplier 152 notifies logistics intermediary 154, and logistics intermediary notifies delivery agent 212 all is well and records a "complete" action into scanner 159 after the previously suspended good arrives, step 336. Supplier 152 delivers the previously suspended good to delivery agent 212, step 338. Delivery agent 212 scans the manufacturing shipping number label and adds the label to the master requisition, step 344. Next, delivery agent 212 delivers good to buyer's address performs a "completed" disposition action on scanner 159, step 346 (col. 7, lines 44-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the error reporting system of Sandell et al. for the purpose of automatically rescheduling orders to minimize human intervention and errors since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

2. In response to Applicant's argument that in regards to claim 68, Peterson and Chaturvedi do not teach or suggest determining whether or not there is the order for the tangible product purchase from one of the dealing companies, determining whether or not the ordered tangible product belongs to a previously established error list in the database server, if it is determined that there is the order for the tangible product purchase, temporarily suspending next operations and notifying the error to a user, if it

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is determined that the ordered tangible product belongs to the previously established error list, determining whether or not the error is cured, and confirming the order for the tangible product purchase, if the error is determined to be cured, the Examiner notes that firstly, claim 68 contains actions that are to be performed if a particular condition is present. However, the claim does not also state what action occurs if that particular condition is not present. This renders the claim to be indefinite. The conditional statement being referred to here is: "determining whether or not the ordered tangible product belongs to a previously established error list in the database server, if it is determined that there is the order for the tangible product purchase..."; "temporarily suspending next operations and notifying the error to a user, if it is determined that the ordered tangible product belongs to the previously established error list ..."; and "determining whether or not the error is cured, and confirming the order for the tangible product purchase, if the error is determined to be cured..."

Secondly, Sandell et al. discloses four types of exception report may be generated, including, a "damage" report 260, a "overage" report 262, a "shortage" report 264, and a "suspend" report 266 (col. 6, lines 7-14, FIG. 6A-1). Sandell et al. further discloses Supplier 152 determines whether the delivery will occur on time, step 332. If the delivery cannot occur on time (i.e. by the original delivery time), supplier 152 notifies respective store 158 to arrange for a new delivery date and supplier 152 notifies logistics intermediary 154 of the move, step 340. Logistics intermediary 154 notifies delivery agent 212 and delivery agent 212 moves the order to the new date, step 342. If the good will make the shipment on time, supplier 152 notifies logistics

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intermediary 154, and logistics intermediary notifies delivery agent 212 all is well and records a "complete" action into scanner 159 after the previously suspended good arrives, step 336. Supplier 152 delivers the previously suspended good to delivery agent 212, step 338. Delivery agent 212 scans the manufacturing shipping number label and adds the label to the master requisition, step 344. Next, delivery agent 212 delivers good to buyer's address performs a "completed" disposition action on scanner 159, step 346 (col. 7, lines 44-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the error reporting system of Sandell et al. for the purpose of automatically rescheduling orders to minimize human intervention and errors since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

3. In response to Applicant's arguments that independent claims recite features that further and independently distinguish over the applied references, the Examiner respectfully disagrees for reasons applied to claims 10 and 68.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract

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on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. **It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.** (emphasis added). In this case the Abstract begins with "Disclosed is an electronic commerce system and method...". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 10, 12, 68, and 71-72** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. **As per claim 10**, the claim contains an action that is to be performed if a particular condition is present. However, the claim does not also state what action occurs if that particular condition is not present. This renders the claim to be indefinite. The conditional statement being referred to here is: "determining whether or not the ordered tangible product belongs to a previously established error list in the database server, if it is determined that there is the order for the tangible product purchase..."

6. **As per claim 10**, the claim contains an action that is to be performed if a particular condition is present. However, the claim does not also state what action occurs if that particular condition is not present. This renders the claim to be indefinite.



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The conditional statement being referred to here is: "temporarily suspending next operations and notifying the error to a user, if it is determined that the ordered tangible product belongs to the previously established error list ..."

7. **As per claim 10**, the claim contains an action that is to be performed if a particular condition is present. However, the claim does not also state what action occurs if that particular condition is not present. This renders the claim to be indefinite. The conditional statement being referred to here is: "determining whether or not the error is cured, and confirming the order for the tangible product purchase, if the error is determined to be cured..."

8. **As per claim 12**, this claim is dependent on an indefinite claim and does not cure the indefiniteness of the claim. Therefore, this claim is also indefinite.

9. **As per claim 68**, the claim contains an action that is to be performed if a particular condition is present. However, the claim does not also state what action occurs if that particular condition is not present. This renders the claim to be indefinite. The conditional statement being referred to here is: "determining whether or not the ordered tangible product belongs to a previously established error list in the database server, if it is determined that there is the order for the tangible product purchase..."

10. **As per claims 71-72**, these claims are dependent on an indefinite claim and does not cure the indefiniteness of the claim. Therefore, these claims are also indefinite.

11. **As per claim 68**, the claim contains an action that is to be performed if a particular condition is present. However, the claim does not also state what action occurs if that particular condition is not present. This renders the claim to be indefinite. The conditional statement being referred to here is: "temporarily suspending next operations and notifying the error to a user, if it is determined that the ordered tangible product belongs to the previously established error list ..."

12. **As per claim 68**, the claim contains an action that is to be performed if a particular condition is present. However, the claim does not also state what action occurs if that particular condition is not present. This renders the claim to be indefinite. The conditional statement being referred to here is: "determining whether or not the error is cured, and confirming the order for the tangible product purchase, if the error is determined to be cured..."

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**13. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (US Patent Number 6,324,522), in view of Chaturvedi et al. (US Patent Number 6,963,849), and further in view of Sandell et al. (US Patent Number 7,191,142).**

**14. As per claim 10,** Peterson et al. disclose an e-commerce system, comprising:

a database server to store information about a plurality of dealing companies and order restriction information of a plurality of products (col. 8, lines 18-26; col. 41, lines 51-61; FIGS. 13-16); and

a web server, coupled to the database server, and configured to operate a web site to receive on-line orders for an on-line sale of each of the plurality of products, acquire information about the respective products and dealing companies and registering the acquired information to the database server, and perform order control for order-generating dealing companies, when an order for a product purchase is generated from the corresponding dealing companies (col. 43, lines 19-30).

an order control set-up server coupled to the database server and web server, and configured to restrict prescribed orders for each of the dealing companies based on information about the respective dealing companies (col. 5, lines 4-15; FIGS. 13-16); and

determining whether or not there is the order for the tangible product purchase from one of the dealing companies (FIG. 7 [126],[128]).

Peterson et al. do not expressly disclose a database server storing credit information for each of the plurality of dealing companies; and the information of the respective dealing companies used to restrict prescribed orders relates to past performances of the corresponding dealing companies.

However, Chaturvedi et al. discloses set-up information for supplier 14 may include, in any suitable combination and without limitation: items generally available from supplier 14; collaboration activities in which supplier 14 is willing to participate; information about contracts that exist between supplier 14 and buyers 12; communications information to allow the enterprise systems 28 of the supplier 14 to communicate ratings, data files 26, planning output 34, or other appropriate information with marketplace 16; *credit-related information*; payment-related information; or other suitable set-up information (col. 12, lines 27-44). Chaturvedi et al. further disclose ratings or other performance information may reflect performance of a potential partner during prior pre-execution phases of the same or one or more previous execution cycles, prior execution phases of one or more previous execution cycles, or prior post-execution phases of one or more previous execution cycles. For example, the marketplace 16 may provide information about past performance of suppliers 14 to a buyer 12 to allow the buyer 12 to determine whether, to what extent, and under what conditions to purchase from a particular supplier 14. Similarly, marketplace 16 may provide information about the past performance of buyers 12 to a supplier 14 or another participant (such as a financier or other financial entity) to allow the supplier 14 or other participant to better determine whether, to what extent, and under what conditions to

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transact business with a particular buyer 12 (col. 3, lines 17-37). Chaturvedi et al. further discloses database 50 may store information concerning past performance of buyers 12, suppliers 14, or other marketplace participants. For example and without limitation, database 52 may store: (1) buyer profiles for one or more buyers 12 containing buyer-provided criteria for suppliers 14 or other participants (e.g., financial agents); (2) supplier profiles for one or more suppliers 14 containing supplier-provided criteria for buyers 12 or other participants (e.g., financial agents); (3) ratings for one or more suppliers 14 (generally, as to one or more activities, or under one or more circumstances) generated automatically by marketplace 16 based on its monitoring of supplier performance over time, based on ratings or other feedback received over time from one or more buyers 12, or any combination of marketplace-generated and buyer-provided supplier performance information; and (4) ratings for one or more buyers 12 (generally, as to one or more activities, or under one or more circumstances) generated automatically by marketplace 16 based on its monitoring of buyer performance over time, based on ratings or other feedback received over time from suppliers 14, or any combination of marketplace-generated and supplier-provided buyer performance information. Such information may be used in connection with decisions to be made at any stage of an appropriate planning funnel 18 (col. 11, line 50-col. 12, line 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Petersen et al. to include the feature of Chaturvedi et al. in order to select providers of service based on performance

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since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Peterson et al. do not expressly disclose determining whether or not the ordered tangible product belongs to a previously established error list in the database server, if it is determined that there is the order for the tangible product purchase, temporarily suspending next operations and notifying the error to a user, if it is determined that the ordered tangible product belongs to the previously established error list, determining whether or not the error is cured, and confirming the order for the tangible product purchase, if the error is determined to be cured.

However, Sandell et al. discloses four types of exception report may be generated, including, a "damage" report 260, a "overage" report 262, a "shortage" report 264, and a "suspend" report 266 (col. 6, lines 7-14, FIG. 6A-1). Sandell et al. further discloses Supplier 152 determines whether the delivery will occur on time, step 332. If the delivery cannot occur on time (i.e. by the original delivery time), supplier 152 notifies respective store 158 to arrange for a new delivery date and supplier 152 notifies logistics intermediary 154 of the move, step 340. Logistics intermediary 154 notifies delivery agent 212 and delivery agent 212 moves the order to the new date, step 342. If the good will make the shipment on time, supplier 152 notifies logistics intermediary 154, and logistics intermediary notifies delivery agent 212 all is well and records a "complete" action into scanner 159 after the previously suspended good

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arrives, step 336. Supplier 152 delivers the previously suspended good to delivery agent 212, step 338. Delivery agent 212 scans the manufacturing shipping number label and adds the label to the master requisition, step 344. Next, delivery agent 212 delivers good to buyer's address performs a "completed" disposition action on scanner 159, step 346 (col. 7, lines 44-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the error reporting system of Sandell et al. for the purpose of automatically rescheduling orders to minimize human intervention and errors since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

15. **As per claim 12**, Peterson et al. discloses the system of claim 10, wherein the order control server further to restrict prescribed orders based on the order restriction information of the products in the database server, but does not expressly disclose the order restriction information including at least one of amounts in stock by the respective models of sales products, sale or sale-suspension of the respective models of the sales products, out-of-production or production of the respective models of the sales products.

However, Sandell et al. discloses four types of exception report may be generated, including, a "damage" report 260, a "overage" report 262, a "shortage" report 264, and a "suspend" report 266 (col. 6, lines 7-14, FIG. 6A-1, see Tables 1-3). Sandell

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et al. further discloses Supplier 152 determines whether the delivery will occur on time, step 332. If the delivery cannot occur on time (i.e. by the original delivery time), supplier 152 notifies respective store 158 to arrange for a new delivery date and supplier 152 notifies logistics intermediary 154 of the move, step 340. Logistics intermediary 154 notifies delivery agent 212 and delivery agent 212 moves the order to the new date, step 342. If the good will make the shipment on time, supplier 152 notifies logistics intermediary 154, and logistics intermediary notifies delivery agent 212 all is well and records a "complete" action into scanner 159 after the previously suspended good arrives, step 336. Supplier 152 delivers the previously suspended good to delivery agent 212, step 338. Delivery agent 212 scans the manufacturing shipping number label and adds the label to the master requisition, step 344. Next, delivery agent 212 delivers good to buyer's address performs a "completed" disposition action on scanner 159, step 346 (col. 7, lines 44-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the order restriction system of Sandell et al. in order to maintain ordering structure by automatically rescheduling orders to minimize human intervention and errors since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.



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**16. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (US Patent Number 6,324,522), in view of Sandell et al. (US Patent Number 7,191,142).**

17. **As per claim 68**, Peterson et al. disclose an e-commerce system, comprising:  
a web server, coupled to the database server, and capable of receiving orders on-line from a plurality of dealing companies for tangible products and selecting and displaying only available tangible products of the tangible products in the received orders on an interface screen (col. 43, lines 32-67).

an order control set-up server; (col. 5, lines 4-15; FIGS. 13-16); and  
determining whether or not there is the order for the tangible product purchase from one of the dealing companies (FIG. 7 [126],[128]).

Peterson et al. does not expressly disclose a database server storing information relating to product order errors;

determining whether or not the ordered tangible product belongs to a previously established error list in the database server, if it is determined that there is the order for the tangible product purchase, temporarily suspending next operations and notifying the error to a user, if it is determined that the ordered tangible product belongs to the previously established error list, determining whether or not the error is cured, and confirming the order for the tangible product purchase, if the error is determined to be cured.

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However, Sandell et al. discloses four types of exception report may be generated, including, a "damage" report 260, a "overage" report 262, a "shortage" report 264, and a "suspend" report 266 (col. 6, lines 7-14, FIG. 6A-1, see Tables 1-3).

Sandell et al. further discloses Supplier 152 determines whether the delivery will occur on time, step 332. If the delivery cannot occur on time (i.e. by the original delivery time), supplier 152 notifies respective store 158 to arrange for a new delivery date and supplier 152 notifies logistics intermediary 154 of the move, step 340. Logistics intermediary 154 notifies delivery agent 212 and delivery agent 212 moves the order to the new date, step 342. If the good will make the shipment on time, supplier 152 notifies logistics intermediary 154, and logistics intermediary notifies delivery agent 212 all is well and records a "complete" action into scanner 159 after the previously suspended good arrives, step 336. Supplier 152 delivers the previously suspended good to delivery agent 212, step 338. Delivery agent 212 scans the manufacturing shipping number label and adds the label to the master requisition, step 344. Next, delivery agent 212 delivers good to buyer's address performs a "completed" disposition action on scanner 159, step 346 (col. 7, lines 44-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the error reporting system of Sandell et al. for the purpose of automatically rescheduling orders to minimize human intervention and errors since the claimed invention is merely a combination of old elements, and in the combination each element merely would have

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performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**18. Claims 71-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (US Patent Number 6,324,522), in view of Chaturvedi et al. (US Patent Number 6,963,849), further in view of Sandell et al. (US Patent Number 7,191,142) as applied to claim 10 above, and further in view of Kumar et al. (US PG Pub. 2002/0042756).**

19. **As per claim 71**, Peterson et al. discloses the system of claim 10, but does not expressly disclose wherein the order control set-up server further to restrict prescribed orders based on the order restriction information of the products in the database server, the order restriction information of the tangible products relates to a minimum quantity of the available quantity of the corresponding tangible product.

However, Kumar et al. discloses that fulfillment server 16 may maintain information regarding suppliers and parent-child or other hierarchical relationships between suppliers, which fulfillment server 16 may use for order promising and other suitable purposes, as discussed more fully below. In one embodiment, definitions for suppliers maintained at fulfillment server 16 may include, in any suitable combination, without limitation: (1) name, (2) description, (3) category, (4) parent, (5) children, (6) the products the supplier provides, (7) the groups associated with the supplier, (8) ranked or other list of preferred customers for a given product, (9) acceptable alternates or substitutes for a given product, (10) minimum and maximum quantities for orders, (11)

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order quantity constraint not allowing fulfillment server 16 to reduce the quotation quantity without affecting validity of quotation, (12) cancellation restrictions, (13) cancellation window outside of which orders cannot be canceled, (14) communications protocols supported by the supplier for receiving requests for quotation, quotation acceptances, cancellations, and/or other information; (15) communications protocols supported by the supplier for communication quotations, promises, acceptances, and/or other information; and (16) network addresses used to communicate with the supplier (paragraph [0033]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the feature of Kumar et al. in order to provide suppliers a way of quoting more accurate delivery information to meet customer orders (Kumar, [0008]) since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

20. **As per claim 72**, Peterson et al. discloses the system of claim 10, but does not expressly disclose wherein the information of the respective dealing companies used to restrict prescribed orders relates to order-restricted products associated with a distribution channel of the corresponding dealing company.

However, Kumar et al. discloses that fulfillment server 16 may maintain information regarding suppliers and parent-child or other hierarchical relationships between suppliers, which fulfillment server 16 may use for order promising and other suitable purposes, as discussed more fully below. In one embodiment, definitions for suppliers maintained at fulfillment server 16 may include, in any suitable combination, without limitation: (1) name, (2) description, (3) category, (4) parent, (5) children, (6) the products the supplier provides, (7) the groups associated with the supplier, (8) ranked or other list of preferred customers for a given product, (9) acceptable alternates or substitutes for a given product, (10) minimum and maximum quantities for orders, (11) order quantity constraint not allowing fulfillment server 16 to reduce the quotation quantity without affecting validity of quotation, (12) cancellation restrictions, (13) cancellation window outside of which orders cannot be canceled, (14) communications protocols supported by the supplier for receiving requests for quotation, quotation acceptances, cancellations, and/or other information; (15) communications protocols supported by the supplier for communication quotations, promises, acceptances, and/or other information; and (16) network addresses used to communicate with the supplier (paragraph [0033]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the feature of Kumar et al. in order to provide suppliers a way of quoting more accurate delivery information to meet customer orders (Kumar, [0008]) since the claimed invention is merely a combination of old elements, and in the combination each element

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merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

1) Bright et al. (US PG Pub. 2002/0013731), which discloses a pre-processor for inbound sales order requests with link to a third party available to promise (ATP) system.

2) Franco (US Patent Number 7,257,552), which discloses a consumer products distribution system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday -Wednesday and Friday, 10:00 AM -6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/F. A. N./  
Examiner, Art Unit 3628

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